

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

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|--------------------|---|-------------------------------------|
| EDWARD B. SPENCER, |) | Case No.: 1:23-cv-0357 JLT SAB (PC) |
| |) | |
| Plaintiff, |) | ORDER ADOPTING FINDINGS AND |
| |) | RECOMMENDATIONS DISMISSING |
| v. |) | PLAINTIFF'S STATE LAW CLAIMS |
| |) | |
| L. VALDEZ, et al., |) | (Doc. 14) |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

Edward B. Spencer is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The magistrate judge reviewed the allegations of Plaintiff's First Amended Complaint pursuant to 28 U.S.C. § 1915A(a) and found Plaintiff stated a cognizable claim against Defendants L. Valdez and D. Parra for retaliation. However, the magistrate judge found Plaintiff's remaining state law claims failed. Therefore, the magistrate judge issued Findings and Recommendations recommending that this action proceed on Plaintiff's retaliation claim only and the state law claims be dismissed. (Doc. 14.)

The Court served the Findings and Recommendations on Plaintiff on April 26, 2023 and informed him that any objections were due within 14 days of the date of service. (Doc. 14 at 2.) Plaintiff was also informed the "[f]ailure to file objections within the specified time may result in waiver of rights on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) On May 2, 2023, Plaintiff filed a statement

1 of non-opposition. (Doc. 15.)

2 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a de novo review of this case.
3 Having carefully reviewed the entire matter, the Court concludes the Findings and Recommendations
4 to be supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 5 1. The Findings and Recommendations dated April 26, 2023 (Doc. 14) are **ADOPTED**.
- 6 2. This action **SHALL** proceed only on Plaintiff's retaliation claim against Defendants L.
7 Valdez and D. Parra.
- 8 3. The state law claims are **DISMISSED** without leave to amend.
- 9 4. This action is referred to the magistrate judge for further proceedings.

10
11 IT IS SO ORDERED.

12 Dated: May 5, 2023


UNITED STATES DISTRICT JUDGE